

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ORDER ON PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

In April of 2022, the Plaintiff, Impact Auto, Inc. (“**Impact Auto**”), filed a complaint in the Aroostook County Superior Court against Joseph Trucking, LLC (“**Joseph Trucking**”), Trucks R US Transportation, LLC (“**Trucks R US**”), and DG Retail, LLC (“**DG Retail**”) related to the cleanup of a truck accident. *See* Summons and Compl. (ECF No. 1-1). On June 3, 2022, the case was removed to this Court. Notice of Removal (ECF No. 1). A week later, DG Retail filed counterclaims against Impact Auto and crossclaims against Joseph Trucking and Trucks R Us for equitable indemnification and contribution. Answer, Affirmative Defenses, Jury Demand, Countercls., and Crosscls. of Def., DG Retail, LLC 6–11 (ECF No. 5). On June 24, 2022, Impact Auto filed its answer to DG Retail’s counterclaims and brought third-party claims against Joseph Trucking for indemnification and contribution. Pl./Countercl. Def.’s Answer to Countercl. 1, 4 (ECF No. 10). Trucks R Us filed its answer to DG Retail’s crossclaims on June 30, 2022 (ECF No. 12), and it filed its answer to Impact Auto’s complaint on July 5, 2022 (ECF No. 13).

Joseph Trucking was served with the Summons and Complaint on May 13, 2022. *See* State Ct. R. 47–48 (ECF No. 8-1). Joseph Trucking did not file an answer or otherwise defend against Impact Auto’s claims, so Impact Auto filed a motion for entry of default (ECF No. 16), which was granted on August 4, 2022 (ECF No. 17).

On June 15, 2023, Impact Auto filed a Motion to Dismiss Fewer Than All Parties (ECF No. 27). On July 10, 2023, I granted the motion, dismissing Impact Auto’s claims against DG Retail and Trucks R Us and dismissing DG Retail’s crossclaims against Trucks R Us (ECF No. 29). This left intact Impact Auto’s initial and third-party claims against Joseph Trucking, DG Retail’s counterclaims against Impact Auto, and DG Retail’s crossclaims against Joseph Trucking.

Impact Auto also filed its motion for default judgment against Joseph Trucking on June 15, 2023 (ECF No. 28). On August 21, 2023, I held a damages hearing on the motion. I have considered the evidence and memoranda submitted by the Plaintiff in support of its motion for default judgment. Based on the foregoing and pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, the Plaintiff’s motion for default judgment against Defendant Joseph Trucking is hereby **GRANTED**.

It is further ORDERED that Defendant Joseph Trucking, LLC shall pay the Plaintiff **\$180,601.68**. The Defendant shall make payment within 60 days after entry of the judgment. The Plaintiff waived its entitlement to interest at the hearing.

A separate judgment shall enter.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 23rd day of August, 2023.